

SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN FOR FIRE STATION 9

This contract amendment ("Amendment No. 2") is dated and entered into as of the _____ day of _____ 2014, between the City of Durham ("City" or "Owner") and GARNER & BROWN PA ("Architect"), a professional corporation organized and existing under the laws of North Carolina, hereinafter collectively referred to as "the Parties."

BACKGROUND.

- (a) The City and the Contractor entered into a contract titled "Professional Services Agreement for the Design for Fire Station 9," dated October 7, 2010. That contract is referred to as the "Original Contract." The Original Contract provided that the Owner would pay the Architect the lump sum amount of \$213,301.00 for Services and Scope to be Performed, as set forth in the Original Contract.
- (b) By an instrument titled "Amendment to Professional Services Agreement for the Design for Fire Station 9" dated February 2, 2013 ("Amendment 1"), the Original Contract was amended to revise allowances to include architectural, landscape architectural, and structural engineering services provided to the Project, as detailed in Exhibit E, and increasing the total compensation for services to the lump sum amount of \$226,206.00.
- (c) The parties intend by this Amendment No. 2 to acknowledge that the Architect is required to perform additional design services. The Contract is hereby further amended as follows:
 - 1. The Architect shall perform Additional Unforeseen Services and Additional Construction Administration Services as Additional Basic Services, as further described in the attached Exhibit F, entitled "Exhibit F – 04/10/2014 – Design Amendment 2 Scope," 1 page.
 - 2. Subparagraph 11.2.1 (Basic Compensation) is amended by adding the following to the end of the section. "The stipulated sum of \$226,206.00 is increased by \$109,217.36 for total Basic Compensation amount not to exceed \$335,423.36. Contract allowances are hereby adjusted as follows: reduced by \$3,740.00 for Wetland and Stream Delineation Allowance, reduced by \$5,418.00 for the Detention Pond Planting Allowance, reduced by \$2,723.00 for the Phase One Environmental Assessment Allowance, and increased by \$11,881.00 for Additional Unforeseen Services Allowance, and increased by \$109,217.36 for Additional Construction Administration Allowance. The contract total amount is changed to \$335,423.36 which includes compensation for this modified scope of work.

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3. Revise subparagraph 11.2.2 as follows: Delete all references to Exhibit E in the Contract and Amendment 1 and replace with "Exhibit E Revision 2 – 04/10/2014 - Architectural Fee Schedule and Hourly Rates."
4. Subparagraph 12.7.1 is revised as follows: Delete "Exhibit E - Architectural Fee Schedule and Hourly Rates" and replace with "Exhibit E Revision 2 - 04/10/2014 - Architectural Fee Schedule and Hourly Rates". In addition, the following is added to the list of attached Exhibits, "Exhibit F – 04/10/2014 – Design Amendment 2 Scope," 1 page.
5. Delete all other references to "Exhibit E - Architectural Fee Schedule and Hourly Rates" in the Contract and replace with "Exhibit E Revision 2 – 04/10/2014 - Architectural Fee Schedule and Hourly Rates."
6. Subparagraph 12.7.16 shall be added as follows: E-Verify Compliance. The contractor represents and covenants that the contractor and its subcontractors comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (NCGS). The City is relying on this E-Verify Compliance section in entering into this contract. The parties agree to this section only to the extent authorized by law. If this section is held to be unenforceable or invalid in whole or in part, it shall be deemed amended to the extent necessary to make this contract comply with NCGS 160A-20.1(b).
7. Except as otherwise changed or altered by this Contract Amendment No. 2, the terms and conditions of the Original Contract, as amended, shall remain in effect and are incorporated herein.

IN WITNESS WHEREOF, the City and the Contractor have caused this contract to be executed under seal themselves or by their respective duly authorized agents or officers

PREAUDIT CERTIFICATE:

ATTEST:

CITY OF DURHAM

_____ By: _____

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GARNER & BROWN ARCHITECT PA

ATTEST:

By: _____

Title of Officer: _____

State of NORTH CAROLINA

ACKNOWLEDGMENT BY CORPORATION

County of Mecklenburg

I, a notary public in and for the aforesaid county and state, certify that _____
_____ personally appeared before me this day and
stated that he or she is vice-president of *GARNER & BROWN ARCHITECT PA*, a corporation, and that by
authority duly given and as the act of the corporation, he or she signed the foregoing contract or agreement
with the City of Durham and the corporate seal was affixed thereto. This the _____ day of
_____, 20_____.

My commission expires:

Notary Public

Exhibit E Revision 2 – 04/10/2014 - Architectural Fee Schedule and Hourly Rates

Fire Station 9 – Architectural Fee Schedule

Phase	Percentage in Numerals	Amount
Original Contract		
Schematic Design Phase	15.50%	\$29,756.00
Design Development Phase	31.23%	\$59,940.00
Construction Document Phase	38.80%	\$62,943.00
Bidding and Negotiation Phase	1.27%	\$2,435.00
Construction Phase	17.93%	\$34,411.00
Closeout Phase	1.27%	\$2,435.00
Travel Allowance	N/A	\$4,500.00
Printing Allowance	N/A	\$5,000.00
Wetland and Stream Delineation Allowance	N/A	\$0.00
Detention Pond Planting Allowance	N/A	\$0.00
Phase One Environmental Assessment Allowance	N/A	\$0.00
Amendment 1		
SEPI Engineering	N/A	\$10,300.00
Lappas and Havener	N/A	\$1,435.00
Garner & Brown	N/A	\$1,170.00
Amendment 2		
Additional Unforeseen Services Allowance	N/A	\$11,881.00
Additional Construction Administration Allowance	N/A	\$109,217.36
Total Basic Compensation in percentage	100%	\$335,423.36

Total Fee for Design Phase, Construction Phase, & Allowances \$335,423.36

Hourly Rates**Garner & Brown Architects PA**

Scott Garner	\$135/hr
Neil Brown	\$135/hr
Deborah Morgan	\$100/hr
Administrative	\$40/hr

Garner & Brown Architects PA are allowed a 10% markup on sub-consultant work

Lappas + Havener, PA

Senior Principal	\$135/hr
Associate Principal	\$95/hr
Senior Landscape Architect	\$85/hr
Staff Landscape Architect	\$77/hr
Apprentice Landscape Architect	\$67/hr
Draftsperson	\$60/hr
Administrative	\$50/hr

SEPI Engineering & Construction

Senior Project Manager	\$160/hr
Project Manager	\$135/hr
Project Engineer II	\$105/hr
Project Engineer I	\$95/hr
Senior CAD Operator	\$80/hr

NFE Technologies Inc.

Senior Project Manager	\$165/hr
Senior Engineer	\$135/hr
Professional Geologist	\$110/hr
Engineering Technician	\$65/hr

Hunter Structural

Gene Hunter	\$125/hr
Designer	\$75/hr

Morrison & Associates PA

Bobby Morrison	\$125/hr
Designer	\$80/hr

Optima Engineering PA

Principal Engineer	\$175/hr
Project Engineer	\$160/hr
Design Engineer	\$135/hr
Administration	\$95/hr

Exhibit F– 04/10/2014 – Design Amendment 2 Scope

1. Allowance: Reduce Wetland and Stream Delineation Allowance – Allowance reduced from \$3,740.00 to \$0.00 (zero dollars).
2. Allowance: Reduce Detention Pond Planting Allowance – Allowance reduced from \$5,418.00 to \$0.00 (zero dollars).
3. Allowance: Reduce Phase One Environmental Assessment Allowance – Allowance reduced from \$2,723.00 to \$0.00 (zero dollars).
4. Additional Unforeseen Services Allowance – Allowance not to exceed \$11,881.00.
5. Additional Construction Administration Allowance – Allowance not to exceed \$109,217.36.